

# **MINUTES OF THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING**

**March 21, 1991**

**BE IT REMEMBERED**, That the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in regular session in Jackson, Mississippi on Thursday, March 21, 1991, at 8:30 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on March 8, 1991, to each and every member of said Board, said date being at least five days prior to this March 21, 1991. At the above named place there were present the following members to wit: Mr. Frank O. Crosthwait, Jr., Mr. Will A. Hickman, Mr. J. Marlin Ivey, Mr. William M. Jones, Mr. James W. Luvene, Ms. Diane Martin Miller, Dr. Cass Pennington, Mr. Sidney L. Rushing, Ms. Dianne P. Walton, Dr. Joe A. Haynes and Mr. Bryce Griffis. Ms. Nan McGahey Baker was absent. The meeting was called to order by Mr. Hickman and opened with prayer by Mr. Crosthwait.

## **Unanimous Consent**

On motion by Mr. Ivey, seconded by Mr. Griffis, and unanimously passed, it was

**RESOLVED**, that the Board unanimously passes the items reported hereinafter that require unanimous passage.

## **Approval of the Minutes**

On motion by Mr. Jones, seconded by Mr. Ivey, and unanimously passed, it was

**RESOLVED**, that the Minutes of the February 21, 1991 regular meeting and the March 4, 1991 special meeting stand approved.

## **Resolution Commending Dr. James A. Hefner, President, Jackson State University**

Mr. Hickman announced that Dr. James A. Hefner had accepted the position of president of Tennessee State University. The members of the Board and Commissioner Cleere expressed their congratulations and appreciation to Dr. Hefner for his contributions to higher education as president of Jackson State University.

On motion by Mr. Griffis, seconded by Mr. Jones, and unanimously passed, it was

**RESOLVED**, That the Board hereby approves the drafting of a resolution commending Dr. James A. Hefner for his great progress and efforts on behalf of Jackson State University, particularly the dramatic increase in federal/private support while working under continuing budgetary constraints; with resolution expressing appreciation to Dr. Hefner for his efforts, professionalism, and dedication while in Mississippi; and finally, conveying best wishes to both Dr. Hefner and Mrs. Hefner as they join the Tennessee State University family.

## **Presidents' Council**

Presented by Dr. Clyda S. Rent, President

The Presidents' Council met at 3:00 Wednesday, March 20, 1991 in Room 301 of the Education and Research Center. The following action was taken:

The Presidents' Council passed a motion to recommend to the Board a change in Board Policy 606.04 regarding tuition remission for full-time faculty and staff. It was the recommendation of the Council that the second paragraph of the policy be amended to provide that full-time faculty and staff of the State Institutions of Higher Learning be allowed to register for (up to) two academic credit courses (eight semester hours) per term at the

# MINUTES OF THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING

March 21, 1991

institution where they are employed with one of the courses being permitted to be taken during regular work/office hours and the second course (if taken) be taken after regular office hours.

On behalf of the Council, Dr. Rent expressed appreciation to Dr. James A. Hefner for his contributions to higher education and wished him well in his presidency at Tennessee State University.

The Council congratulated Commissioner and Mrs. Cleere on their fifteenth wedding anniversary.

## **Presidents' Reports**

Reports were given by the following presidents: Dr. Clyda Rent, Mississippi University for Women; Dr. Donald Zacharias and Dr. Rodney Foil, Vice President for Agriculture, Forestry, and Veterinary Medicine, Mississippi State University; Dr. R. Gerald Turner, University of Mississippi, and Dr. Norman C. Nelson, Vice Chancellor for Health Affairs, University of Mississippi Medical Center; Dr. James Hefner, Jackson State University; Dr. Kent Wyatt, Delta State University; and Dr. William Sutton, Mississippi Valley State University. Dr. Aubrey Lucas, University of Southern Mississippi, passed.

## **Report on Ethics and Conflicts of Interest**

Presented by Ms. Suzanne Sharpe, Assistant to the Commissioner

As requested by the Board at the February 21, 1991 meeting, Ms. Sharpe reported that the Board office had drafted policies addressing ethics, conflicts of interest, and banking issues. These proposed policies are being reviewed by the Ethics Commission and the Attorney General's office.

## **Administration and Policy**

Presented by Dr. W. Ray Cleere, Commissioner

1. **Approved Resolution Commending IHL Faculty, Staff, and Students Who Were Called to Serve in Desert Storm Operations**

On motion by Mr. Jones, seconded by Mr. Griffis, and unanimously passed, it was

**RESOLVED**, That the Board hereby approves the resolution shown as **EXHIBIT 1**, commending more than 700 IHL faculty, staff, and students who were called to serve in Desert Storm Operations.

2. **Approved Amendments to MHEAC's Current Articles of Incorporation and Bylaws**

On motion by Mr. Ivey, seconded by Mr. Luvene, and unanimously passed, it was

**RESOLVED**, That the Board hereby approves the amendments to MHEAC's current Articles of Incorporation and Bylaws as shown in the bound "Board Meeting Agenda, Working File Copy, March 21, 1991," on file in the Board office.

Under the Articles of Incorporation and the Bylaws of the Mississippi Higher Education Assistance Corporation, amendments must be approved by the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi. These documents are the First Amended and Restated Articles of Incorporation and Bylaws.

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING**

**March 21, 1991**

3.     Approved Three Resolutions Naming Members to the Mississippi Higher Education Assistance Corporation

On motion by Mr. Luvene, seconded by Mr. Ivey, and unanimously passed, it was

**RESOLVED**, That the Board hereby approves the three (3) resolutions naming members to the Mississippi Higher Education Assistance Corporation. These resolutions are included in the bound "Board Meeting Agenda, Working File Copy, March 21, 1991," on file in the Board office.

**BE IT FURTHER RESOLVED**, That Mr. Thomas G. Hood, Director of Financial Aid, University of Mississippi; Dr. Delene Lee, Chief Financial Official, Mississippi University for Women; Dr. George L. Verrall, Vice President for Business Affairs, Mississippi State University, are named to membership in the Mississippi Higher Education Assistance Corporation for a four (4) year term ending on the day prior to the Annual Meeting of the Membership Corporation in 1995.

4.     Approved the Spreading Upon the Minutes the Times, Places and Procedures by Which All of Its Meetings Are To Be Held

On motion by Mr. Crosthwait, seconded by Mr. Luvene, and unanimously passed, it was

**RESOLVED**, That the Board hereby spreads upon its minutes the times, places and procedures by which all of its meetings are to be held. Pursuant to Miss. Code Ann., §25-41-13 (Supp. 1990), any public body, other than a legislative committee, which does not have statutory provisions prescribing the times and places and the procedures by which its meetings are to be held shall spread upon its minutes the times and places and the procedures by which all of its meetings are to be held.

**BOARD MEETINGS**

MONTH	LOCATION	DATE OF MEETINGS
January 1991	Miss. Valley State Univ. Itta Bena, MS	January 17, 1991
February 1991	Board Office Jackson, MS	February 21, 1991
March 1991	Board Office Jackson, MS	March 21, 1991
April 1991	Alcorn State University Lorman, MS	April 18, 1991
May 1991	Board Office Jackson, MS	May 16, 1991
June 1991	Board Office Jackson, MS	June 20, 1991

**SECTION 300 - BYLAWS**

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING**

**March 21, 1991**

**301.05 BOARD MEETINGS AND AGENDA**

**301.0501      REGULAR MEETINGS**

There shall be two regular slated meetings of the Board annually, one in June and the other in January.

Miss. Code Ann., Section 37-101-9 (1990)  
(BT Minutes, 5/90)

**301.0502      SPECIAL MEETINGS**

There shall be as many special meetings of the Board as may be necessary upon call of the president of the Board or upon call of five members.

Miss. Code Ann., Section 37-101-9(1990)  
(BT Minutes, 5/90)

**301.0503      CALL TO MEETINGS**

The call shall be in writing and shall be mailed by certified letter with return receipt requested, or by certified mail, to each and every member at least five days prior to the date of meeting.

Miss. Code Ann., Section 37-101-9(1990)  
(BT Minutes, 5/90)

**301.0504      DATE OF MEETINGS**

It shall be the general policy of the Board to meet the third week of each month.

(BT Minutes, 5/90)

**301.0505      OPEN MEETINGS REQUIREMENTS**

It is the policy of the Board to conduct its meetings pursuant to the provisions of the Mississippi Open Meetings Act.

Miss. Code Ann., Section 25-41-1(1990)  
(BT Minutes, 5/90)

**301.0506      MEETING AGENDA**

A formal agenda shall be prepared for each official meeting of the Board, which shall be followed as the order of business without formal approval, but any departures from the agenda must be by consent of a majority of the members present. For any matter requiring action by the Board at a meeting, it is expected that the institution involved will submit a copy of the description of such matter to the Commissioner who compiles the agenda at least five days prior to the meeting at which such matter should be considered by the Board. All items on the monthly agenda which are approved, disapproved or tabled for further discussion shall be communicated to the executive heads of all institutions by the Commissioner of Higher Education in the

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING**

**March 21, 1991**

form of a written copy of the official minutes within a reasonable period of time after each Board meeting.

**301.0507 BOARD RECESSES**

The Board may recess itself indefinitely to be reconvened by the president, or it may recess to a time and place designated. Members will not draw per diem and allowances while in recess, except as provided herein elsewhere.

**301.0508 (BT Minutes, 5/90)  
PLACE OF MEETINGS**

Generally, the Board will hold its meetings at its regular offices; however, the Board may designate as its meeting place any suitable place within the state.

(BT Minutes, 5/90)

**301.0509 MINUTES OF MEETINGS**

The Commissioner shall compile and file for safekeeping full and complete minutes of all official acts of the Board. The minutes shall be compiled within a reasonable period after a given action of the Board, bound in a volume, and at the office of the Board made an open document to any citizen of the state during the normal office days and hours of the Board's central office.

(BT Minutes, 5/90)

**301.0510 ABBREVIATED MINUTES**

Abbreviated minutes may be used by the Board in dispatching business coming before it, but all official references to the minutes and all transcripts, excerpts, copies, pictures, or quotes shall be made from the full and complete official minutes and the Commissioner shall be the certifying officer thereto for the Board.

(BT Minutes, 5/90)

**301.0511 QUORUM FOR TRANSACTION OF BUSINESS**

Nine members of the Board shall constitute a quorum for transaction of business pertaining to the University of Mississippi; and for that pertaining to the other institutions, eight members shall constitute a quorum.

(BT Minutes, 5/90)

**301.0512 MEETING RULES OF ORDER**

In general, the rules of parliamentary procedure shall be followed during the meeting of the Board.

(BT Minutes, 5/90)

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING**

**March 21, 1991**

301.0513      **PRESIDENT'S VOTE**

The president of the Board shall be entitled to the same vote as any other member of the Board.

(BT Minutes, 5/90)

301.0514      **TIE VOTES**

When the presiding officer has voted and the result is a tie, he or she cannot vote again to break the tie.

Miss. Code Ann., Section 37-101-7(1990)

(BT Minutes, 5/90)

301.0515      **PERMISSION REQUIRED TO LEAVE MEETINGS**

No member shall absent himself/herself from a meeting of the Board without approved leave from the president.

(BT Minutes, 5/90)

301.0516      **APPEARANCES BEFORE THE BOARD**

No person shall be entitled as a matter of right to appear before the Board of Trustees of Institutions of Higher Learning except the following persons:

1. Designated Staff of the Board;
2. Institutional Executive Officers;
3. Official guests invited by the President after consultation with the Board.

Other appearances before the Board are not a matter of right, and will only be considered if the request is material and relevant to any matters then pending before the Board. Any person who desires to be placed on the agenda to address the Board shall submit such request, including justification, in writing to the Commissioner. The request should be at least three weeks prior to the designated Board meeting at which the person desires to appear and set forth the purpose of such appearance. The three week period is necessary to permit referral to the President or appropriate Board committee to rule on such request. (Specific procedures will be on file with the Commissioner in the Board office and will be made available upon request.)

(BT Minutes, 1/91)

5.      **Approved Policies on Promotion, Tenure and Grievance Procedures**

On motion by Mr. Rushing, seconded by Dr. Pennington, and unanimously passed, it was

**RESOLVED**, That the Board hereby approves the following Policies on Promotion, Tenure and Grievance Procedures.

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING**

**March 21, 1991**

**PROPOSED FINAL REVISIONS**

**SECTION 400 - FACULTY AND STAFF**

**401           TENURED AND NON-TENURED EMPLOYEES OF INSTITUTIONS OF  
HIGHER LEARNING IN MISSISSIPPI**

**401.01 AUTHORIZATION FOR EMPLOYMENT**

By statute, the Board has the power and authority to contract with all deans, professors, and other members of the teaching staff and all administrative employees of said institutions for a term not exceeding four years. Although the law does not empower the Board to contract for indefinite periods, its bylaws provide that "It shall be the policy of the Board to elect all officials for a definite tenure of service and to re-elect during the period of satisfactory service." The Board also empowers the executive heads of the institutions to "adopt policies of continuing employment for the purpose of making nominations for the teaching positions." All amendments, revisions, additions and reductions to employee contracts are subject to approval by the Board.

(BT Minutes, 3/91)

**401.0101     STATUTE APPLICABLE**

The Board shall have the power and authority to elect heads of the various institutions of higher learning and to contract with all deans, professors, and other members of the teaching staff and all administrative employees of said institutions for a term of not exceeding four years. The Board shall have the power and authority to terminate any such contract at any time for malfeasance, inefficiency, or contumacious conduct, but never for political reasons. It shall be the policy of the Board to permit the executive head of each institution to nominate for election by the Board all subordinate employees of the institution over which he presides. It shall be the policy of the Board to elect all officials for a definite tenure of service and to reelect during the period of satisfactory service. The Board shall have the power to make any adjustments it thinks necessary between the various departments and schools of any institution or between the different institutions.

Miss. Code Ann., Section 37-101-15(F)(1990)  
(See p. 11, Section 201.0605 and p. 18, Section 301.03, D.)

(BT Minutes, 3/91)

**401.0102     DELEGATION OF AUTHORITY**

Acting under appropriate statutory authority, the Board of Trustees hereby empowers the executive officers of the several institutions to nominate individuals for positions in the faculty of the respective institutions, consistent with Board policies.

(BT Minutes, 3/91)

**401.0103     RETENTION OF AUTHORITY**

The Board reserves the right to examine all nominations for faculty positions in the

# **MINUTES OF THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING**

**March 21, 1991**

several institutions and to accept or reject any such nomination.

In the event of the rejection of a nomination for a faculty position, the Board will inform the Institutional Executive Officer of the institution as to its reasons and the executive officer of the institution may re-submit the nomination with clarifying explanations or submit a substitute nomination.

(BT Minutes, 3/91)

## **402 ORGANIZATIONAL STRUCTURE**

### **402.01 FACULTY DEFINED**

The teaching staff and those members of the administrative staff having academic rank in a college, university or other educational institution or one of its divisions. In all institutions the faculty will consist of the Corps of Instruction and the administrative officers with faculty rank.

#### **A. Corps of Instruction:**

Full-time professors, associate professors, assistant professors, instructors, lecturers, and teaching personnel with such other titles as may be approved by the Board, shall be the Corps of Instruction. Full-time research and extension personnel and duly certified librarians may be included in the Corps of Instruction on the basis of comparable training. Persons holding adjunct appointments or other honorary titles shall not be considered to be members of the faculty.

#### **B. Administrative Officers:**

Faculty status of full-time administrative officers will necessarily vary with the size and complexity of the institution. A faculty member who has academic rank and rights of tenure in the Corps of Instruction and who accepts an appointment to an administrative office shall retain his/her academic rank and rights of tenure as an ex officio member of the Corps of Instruction but shall have no rights of tenure in the administrative office to which he has been appointed. The additional salary, if any, for the administrative position shall be stated in the employment contract and shall not be paid to the faculty member when he or she ceases to hold the administrative position. An administrative officer having faculty status shall retain privileges of faculty membership. Administrative officers shall be nominated by the Institutional Executive Officer for election by the Board.

(BT Minutes, 3/91)

### **402.02 STANDARDS FOR FACULTY RANKING**

The minimum academic requirements for rank are set out hereinafter. Institutions are encouraged to establish other criteria unique to their mission.

#### **A. Professor:**

1. Doctoral or other terminal degree or equivalent



**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING**

**March 21, 1991**

- 2. Successful teaching experience
- 3. Successful research and/or creative work
- B. Associate Professor:
  - 1. Doctoral or other terminal degree or equivalent
  - 2. Successful teaching experience
  - 3. Successful research and/or creative work
- C. Assistant Professor:
  - 1. Master's degree or the equivalent
  - 2. One year of additional graduate work
- D. Instructor:  
Master's Degree or the equivalent
- E. Other Equivalent Ranks:

Other ranks equivalent to the above designations may be proposed by the Institutional Executive Officer to the Board for approval. Such ranks may reflect assignments in medical and/or health related, agricultural, research, and other special areas.

(BT Minutes, 3/91)

**402.03 PROMOTIONS IN RANK**

Heads of institutions in making recommendations regarding ranks and promotions in rank shall take into consideration evidence of professional achievement and academic growth to include but not necessarily be limited to the following:

Professional training and experience;  
Effectiveness of teaching;  
Effectiveness in interpersonal relationships, including  
professional ethics, cooperativeness,  
resourcefulness and responsibility;  
Professional growth, such as research, publications  
and creative activities;  
Service and other non-teaching activities which reflect  
favorably upon the institution.

(BT Minutes, 3/91)

**403           TENURED TRACK FACULTY**

**403.01 TENURE DEFINED**

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING**

**March 21, 1991**

Tenure is continuing employment that may be granted to a faculty member after a probationary period upon nomination by the Institutional Executive Officer for election by the Board. Tenured faculty are protected from dismissal except for those reasons set forth in this section below.

In the interpretation of this principle it is understood that the following represent acceptable academic practice.

(BT Minutes, 3/91)

403.0101      **MINIMUM STANDARDS FOR TENURED EMPLOYMENT**

Beginning with appointment to any professorial rank (assistant professor, associate professor, professor), a faculty member may be recommended for tenure after completing a probationary period of five to seven academic years, three of which may have been met in the rank of instructor. Upon written agreement between the institution and the faculty member, credit up to a maximum of four (4) years toward fulfillment of the minimum probationary period may be allowed for service at one or more other institutions of higher education. Such credit toward the probationary period transferred from another institution must be determined at the time of initial appointment to rank. Such allowance is to be granted only to an individual who possesses exceptional professional qualifications and achievements and is not to be construed as exempting said individual from any other institutional policies and procedures governing the awarding of tenure.

Once the probationary period has been successfully completed, a professor of any rank, if reappointed, may be awarded tenure. For tenure to be awarded, the Institutional Executive Officer must make a recommendation to the Board in writing. Only faculty members of professorial rank can be awarded tenure. The award of tenure is not vested until notice of the award is given in writing by the Institutional Executive Officer, after approval by the Board, and the written notice is actually received by the faculty member.

Faculty members who transfer from one institution to another within the Mississippi system are subject to the same probationary period in a given institution as any other faculty member who is new to the system.

There shall be appropriate tenure/grievance committees at the institutions.

(BT Minutes, 3/91)

403.0102      **NOTICE OF NON-RENEWAL OF TENURED TRACK FACULTY**

1. Notice of intention not to renew a tenured track faculty member shall be furnished in writing according to the following schedule:
  - a. not later than March 1 before the date of termination during the first year of service,
  - b. not later than December 1 before the date of termination during the second year of service,
  - c. not later than September 1 before the date of termination of a contract

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING**

**March 21, 1991**

after two or more years of service in the institution.

This schedule of notification does not apply to persons holding temporary or part-time positions, or persons with courtesy appointments, such as adjunct appointments.

(BT Minutes, 3/91)

403.0103      **TENURED FACULTY DISMISSAL**

1.      Termination of service of a tenured faculty member is made only under these extraordinary circumstances:
  - a.      Financial exigencies as declared by the Board;
  - b.      Termination or reduction of programs, academic or administrative units as approved by the Board;
  - c.      Malfeasance, inefficiency or contumacious conduct; or
  - d.      For cause.

(BT Minutes, 3/91)

2.      Termination for cause of a tenured faculty member or the dismissal for cause of a faculty member prior to the expiration of a term appointment shall not be recommended by the Institutional Executive Officer until the faculty member has been afforded the opportunity for a hearing. In no event shall the contract of a tenured faculty member be terminated for cause without the faculty member being afforded the opportunity for a hearing.

In all cases, the faculty member shall be informed in writing of the proposed action against him/her and that he/she has the opportunity to be heard in his/her own defense. Within ten (10) calendar days of notification of the proposed action and opportunity to be heard, the faculty member shall state in writing his/her desire to have a hearing. He/she shall be permitted to have with him/her an adviser of his/her own choosing who may be an attorney. The institution is directed to record (suitable for transcription) all hearings. In the hearing of charges of incompetence, the testimony shall include that of faculty and other scholars. Tenured faculty members, who are dismissed for reasons stated as follows:

- a.      financial exigencies as declared by the Board;
- or
- b.      termination or reduction of programs, academic units and/or administrative units as approved by the Board;

shall remain employed for a minimum of 9-12 months, consistent with current contract, periods of time, from date of notification.

Tenured faculty members, who are dismissed for reasons stated as follows:

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING**

**March 21, 1991**

- c. malfeasance, inefficiency or contumacious conduct; or
- d. for cause;

shall have their contracts terminated at any time subsequent to notice and hearing with no right to continued employment for any period of time. At the discretion of the Institutional Executive Officer, any faculty member's salary may be paid, and he/she may be relieved of all teaching duties, assignments, appointments and privileges when he/she is dismissed for any reasons stated above or pending a termination hearing.

(BT Minutes, 3/91)

403.0104      **APPEALS**

1.      **Conditions of Appeals to the Board of Trustees:**

Miss. Code Ann., Section 37-101-15(1990) sets forth the general obligations of the Board of Trustees of State Institutions of Higher Learning with respect to employment at the various institutions of higher learning. It is the policy of the Board to allow faculty personnel decisions to be appealed to the Board.

These appeals may take place only after the aggrieved faculty member has exhausted all administrative remedies at the institutional level. In the event that an appeal to the Board is requested by the aggrieved party, the Institutional Executive Officer shall transmit to the Board the full report of the grievance/tenure committee concerning the matter appealed.

The individual allegedly aggrieved will be allowed to submit a written statement of his grievance to the Commissioner within a thirty (30) day period following notification of the decision of the Institutional Executive Officer. Review by the Board is not a matter of right, but is within the sound discretion of the Board. No persons will appear personally before the Board unless invited.

If allowed to appear, oral testimony and documentary evidence will be accepted. The Board in its discretion may mandate reasonable time limitations for testimony. If not allowed to appear, only documentary evidence will be accepted.

2.      **Review of Appeal by the Board:**

The Board, upon receipt of such an appeal, shall review the records of the institutional committee's hearing and all documentation relative to the personnel decision. The Board shall then determine the following:

- a.      If the institutional due process procedures were followed;

and/or

- b.      If the decision was arbitrary or capricious.

The Board, after reviewing the written argument and documentary evidence

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING**

**March 21, 1991**

(if no hearing is requested or allowed), or after a hearing (if requested and allowed), shall affirm the decision of the Institutional

Executive Officer or make another decision which shall be final and binding.

(BT Minutes, 3/91)

**403.02 OTHER FACULTY GRIEVANCES AND APPEALS**

**403.0201 GRIEVANCE DEFINED**

A grievance is defined as the claim of an individual employee that there has been a violation, misinterpretation or misapplication of a rule, policy or procedure in relation to personnel policies, including working hours, working conditions, leaves, promotions and other conditions of employment.

(BT Minutes, 3/91)

**403.0202 APPEALS TO THE BOARD CONCERNING GRIEVANCES**

Appeals may take place only after the faculty member has exhausted all other prerequisite administrative remedies as prescribed by the institution and a decision has been rendered by the Institutional Executive Officer. During final review by the Institutional Executive Officer, legal counsel may be assigned to assist in the review.

Appeal to the Board on these matters will follow the same policies and procedures as set forth for dismissal of tenure track faculty.

(BT Minutes, 3/91)

**403.03 PROGRAM MODIFICATION**

As part of its broad constitutional authority to manage, the Board shall exercise its authority to modify programs offered by the Universities generally or at various units of the Universities.

Miss. Const. Art. VIII, Section 213-A(1990); Miss. Code Ann., Section 37-101-13(1990).

(BT Minutes, 3/91)

**403.04 TENURE OF CHIEF EXECUTIVE OFFICERS**

Chief Executive Officers, upon appointment, will be concurrently appointed to the faculty in his/her discipline at the rank of full professor. After successful completion of five (5) years of service as institutional chief executive officer, the incumbent may be tenured as full professor in the designated department at the discretion of the Board. The Board at its discretion may consider the Commissioner for tenure. Tenure shall carry the usual rights and privileges as specified in Board and Institutional Policy. In the event that the Chief Executive Officer resigns and elects to remain with the institution, the salary as a professor shall be determined based upon the appropriate consideration of teaching, research, public service and salary conditions in the discipline.

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING**

**March 21, 1991**

(BT Minutes, 3/91)

**404 NON-TENURE TRACK FACULTY**

**404.01 NON-TENURED TRACK DEFINED**

Universities are authorized to establish professional positions designated as non-tenure track positions. Each institution shall prepare annually, along with its budget, a list of positions so designed for submission for approval by the Institutional Executive Officer. Subsequent requests for such designations submitted during the budget year must also be approved by the Institutional Executive Officer. Positions designated as non-tenure track positions may be converted to the other type only with approval by the Institutional Executive Officer.

Non-tenure track faculty positions may be established for full-time professional faculty personnel employed in technical, special, career, research and public service programs or programs which are anticipated to have a limited lifespan or which are funded, fully or partially, through non-system sources. There shall be no maximum time limitation for service in positions in this category.

The following provisions shall apply to all non-tenure track personnel:

1. Individuals employed in non-tenure track positions shall not be eligible for consideration for the award of tenure. Individuals in non-tenure track positions may not have their status converted to tenure track positions. However, they are eligible to apply for tenure track positions.
2. Individuals employed in non-tenure track positions may apply, on an equal basis with other candidates, for tenure track positions which may become available.

(BT Minutes, 3/91)

**404.02 NOTICE OF NON-RENEWAL OR TERMINATION OF NON-TENURE TRACK PERSONNEL**

1. Notice of intention not to renew non-tenure track personnel shall be furnished in writing thirty (30) days prior to the expiration date of the contract.
2. Lack of Funds - Notice of termination of non-tenure track personnel prior to expiration of the contract due to a lack of funds shall be furnished in writing thirty (30) days prior to the termination.

(BT Minutes, 3/91)

**405 GRIEVANCE PROCEDURE FOR NON-FACULTY POSITIONS**

**405.01 GRIEVANCE DEFINED**

A grievance is defined as the claim of an individual employee that there has been a violation, misinterpretation or misapplication of a rule, policy or procedure in

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING**

**March 21, 1991**

relation to personnel policies, including working hours, working conditions, leaves, promotions and other conditions of employment.

(BT Minutes, 3/91)

**405.02 APPEALS**

Appeals to the Grievance Committee may take place only after the non-faculty member has exhausted all other prerequisite administrative remedies as prescribed by the institution.

If all previous steps have not led to a satisfactory settlement of a problem, the Chief Personnel Officer will place it before the university grievance committee. The committee's purpose is to review the problem thoroughly and make a decision which is appealable to the Institutional Executive Officer. Upon completion of the hearing, the committee will have five (5) working days in which to make a decision. The decision will be promptly communicated within five (5) working days to the employee and the administration in writing. The decision of the committee will be subject to review by the Institutional Executive Officer. The decision of the Institutional Executive Officer shall be final.

(BT Minutes 3/91)

**406 MEDICAL CENTER EMPLOYMENT POLICIES**

**406.01 GENERAL POLICY**

In recognition of the Medical Center's unique role and needs, the Board of Trustees adopted special salary and employment policies for this institution. Specific policies will be on file with the Commissioner in the Board office and will be made available upon request.

(BT Minutes, 3/91)

**407 EVALUATION OF EMPLOYEES**

**407.01 GENERAL POLICY**

Institutions shall have evaluation procedures for all employees. A general description of procedures shall be on file at the Board office.

(BT Minutes, 3/91)

**SECTION 600 - STUDENT AFFAIRS**

**610 STUDENT APPEALS**

**610.01 GENERAL POLICY**

A. The Board delegates to the various Institutional Executive Officers full

# MINUTES OF THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING

March 21, 1991

authority in all matters concerning student affairs. The decision of the Institutional Executive Officer shall be final so far as the institution is concerned. Upon rendering of a final decision, the aggrieved student will be notified. The Institutional Executive Officer may request the legal assistance of the Attorney General's office through the Commissioner.

- B. Should the aggrieved student be dissatisfied with a decision to suspend or expel, application may be made to the Board for a review. The request shall be submitted in writing to the Commissioner within a period of thirty days, following notification of the decision of the Institutional Executive Officer.
- C. Application for review shall state the institutional decision rendered and the redress desired. A review by the Board is not a matter of right, but is within the sound discretion of the Board. If the application for review is granted, the Board, or a committee of the Board, or a Hearing Officer appointed by the Board shall investigate the matter thoroughly and report its findings and recommendations to the Board. Counsel may assist the student but will not be allowed to speak on behalf of the student. The Board shall render its decision thereon within thirty days from the filing date of the application for review or from the date of any hearing which may be held. The Board's decision shall be final and binding for all purposes.
- D. In all hearings involving charges against students where suspension or expulsion may be ordered, the institution is directed to record (suitable for transcription) all proceedings; and any appeals to the Board will be on the record made in the institutional hearing along with any arguments if requested by the appellant.

(BT Minutes, 3/91)

## SECTION 1100 - LEGAL MATTERS

### 1107 GOVERNING LAWS

Notwithstanding anything to the contrary herein, the final power and authority is vested in the Board pursuant to the Constitution and Laws of the State of Mississippi.

(BT Minutes, 3/91)

- 6. Approved Request for Attorney General's Opinion on Recognition of Student Organizations.

On motion by Mr. Griffis, seconded by Mr. Ivey, and unanimously passed, it was

**RESOLVED**, That the Board hereby approves the request for the Attorney General's opinion on recognition of student organizations. Mississippi State University has a policy for registration of student organizations. The question is: If any organization properly applies and fully complies with the policies, regulations and procedures of Mississippi State University, is the university required, under the state constitution and laws, to recognize such student organization on its campus?

- 7. Approved the Reaffirmation and Delegation of Authority to the Commissioner to Make Decisions Regarding Financial Investments and Selection of Depositories for the Administrative Offices of The Board. Unanimous Consent



**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING**

**March 21, 1991**

On motion by Mr. Crosthwait, seconded by Mr. Griffis, and unanimously passed, it was

**RESOLVED**, That the Board, based on approval of the Attorney General, reaffirms and specifically delegates the sole power and authority to the Commissioner to determine financial investments and selection of depositories for the Administrative Offices of the Board. This authority is granted in addition to the other duties delegated to him in conducting the day-to-day affairs of the Board Office.

8. Mississippi Pride: Education Through Athletics

On motion by Mr. Ivey, seconded by Mr. Luvane, and unanimously passed, it was

**RESOLVED**, That the Board hereby approves the request of the University of Southern Mississippi, Jackson State University, The University of Mississippi, and Mississippi State University, to proceed with contracting with retailers and vendors that wish to participate in the Mississippi Pride: Education Through Athletics program. Participation will be denied to vendors of alcoholic beverages and tobacco products. Final contracts will be subject to review and approval of the Board and the Office of the Attorney General.

9. Approved General Allocation in FY 91-92. Unanimous Consent

On motion by Mr. Griffis, seconded by Mr. Crosthwait, and passed with **Mr. Ivey recorded as voting "no,"** it was

**RESOLVED**, That the Board hereby approves the proposal that general support for the eight (8) universities, currently at the Legislative Budget Committee recommended level and as passed by the House, be allocated based upon one-half of funding at the current base level and one-half of the appropriation allocated based upon the current formula which:

1. Recognizes current year's productivity
2. Recognizes research funding based upon doctoral degrees awarded
3. Recognizes general tuition as self-generated income

**BE IT FURTHER RESOLVED**, That any state appropriations above the LBR level be allocated by formula recognizing changes in productivity.

10. Other

- (1) The Board directed the Board office to draft a policy on presidential succession.
- (2) Dr. Cleere gave Board members a copy of a letter from Mr. William E. Jones, alumnus and faculty member of Jackson State University and stated that Mr. Jones had been informed of the policies on appearing before the Board. The letter is included in the bound "Board Meeting Agenda, Working File Copy, March 21, 1991," on file in the Board office.
- (3) Dr. Cleere gave Board members a copy of an interim organization chart for the Board office prepared as a result of the collapsing of one of the associate commissioner positions. Dr. Cleere reported that a permanent chart, reflecting adjustments due to

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING**

**March 21, 1991**

budget reduction, will be presented to the Board in June or July. The Board was asked for their input in preparing this permanent organization chart.

Mr. Luvene made comments about the temporary organization chart. He was concerned that the chart showed one assistant commissioner reporting to another assistant commissioner. He stated that he felt that the Assistant Commissioner of Finance should be changed to Associate Commissioner. Mr. Luvene further stated that the Board's foremost emphasis should be on academics and in keeping with that philosophy the position of Assistant Commissioner of Academic Affairs should be changed to Associate Commissioner.

A copy of the temporary organization chart is included in the bound "Board Meeting Agenda, Working File Copy, March 21, 1991," on file in the Board office.

- (4) Copies of the final Bylaws and Policies as passed by the Board this date were distributed to the Board. Dr. Cleere commended Dr. Rita Nordan and Ms. Suzanne Sharpe for their work on the project. The final Bylaws and Policies are included in the bound "Board Meeting Agenda, Working File Copy, March 21, 1991," on file in the Board office.

**Instruction/Students**

Presented by Dr. Charles Pickett, Assistant Commissioner  
Academic Affairs

On motion by Mr. Crosthwait, seconded by Mr. Jones, and unanimously passed, it was

**RESOLVED**, That the Board hereby approves the following report on Instruction/Students.

**System Administration**

1. **Information:** Dr. Charles Pickett, Assistant Commissioner for Academic Affairs, Provided the Following Information on the 1991 Project '95 Financial Aid Workshops.

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING**

**March 21, 1991**